

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA
3

4 Elizabeth Carley,

5 Petitioner

6 v.

7 Warden Nevens, et al.,

8 Respondents

2:16-cv-02227-JAD-PAL

Order Granting Application to Proceed
in forma pauperis and Motion for
Appointment of Counsel and Denying
Other Pending Motions as Moot

[ECF Nos. 1, 3, 4, 5]

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10 Nevada state-prison inmate Elizabeth Carley has submitted an application to proceed *in*
11 *forma pauperis*, an ex parte motion for appointment of counsel, and two motions for documents.
12 Carley's IFP application and supporting documents show that she is unable to pay the filing fee, so I
13 grant her application to proceed *in forma pauperis*. And because I find that the interests of justice
14 require representation,¹ I provisionally appoint the Federal Public Defender to represent Carley.
15 Finally, because I grant Carley's request for court-appointed counsel, I deny her request for
16 production of documents and motion for indigent legal copies at the state's expense as moot.

17 Accordingly, IT IS HEREBY ORDERED that Carley's application to proceed *in forma*
18 *pauperis* [ECF No. 1] is **GRANTED**.

19 IT IS FURTHER ORDERED that Carley's motion for appointment of counsel [ECF No. 5]
20 is **GRANTED**. The Federal Public Defender is provisionally appointed to represent Carley.

21 IT IS FURTHER ORDERED that the Federal Public Defender must undertake direct
22 representation of petitioner or notify the court if he is unable to do so by **November 30, 2016**. If the
23 Federal Public Defender does undertake representation of petitioner, he will then have 60 days to file
24 an amended petition for a writ of habeas corpus. If the Federal Public Defender is unable to
25 represent petitioner, then the court will appoint alternate counsel. These deadlines do not signify a
26 determination that the petition is timely or toll the federal limitations period. Carley at all times

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28 ¹ U.S.C. § 3006A(a)(2)(B).

1 remains responsible for calculating the running of the federal limitation period under 28 U.S.C.
2 § 2244(d)(1) and timely asserting claims.

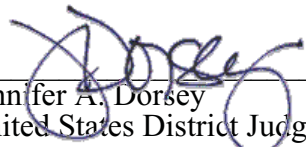
3 The Clerk of Court is directed to FILE the petition, add Adam Paul Laxalt, Attorney General
4 for the State of Nevada, as counsel for respondents, and serve respondents and the Federal Public
5 Defender with a copy of the petition.

6 IT IS FURTHER ORDERED that respondents' counsel must enter a notice of appearance by
7 **November 21, 2016**, but no further action is required until ordered by the court.

8 IT IS FURTHER ORDERED that any exhibits must be filed with a separate index of exhibits
9 identifying the exhibits by number or letter. Any CM/ECF attachments must be identified by the
10 number(s) or letter(s) of the exhibits in the attachment. The hard copy of any additional state-court
11 record exhibits must be forwarded to the staff attorneys in Las Vegas.

12 IT IS FURTHER ORDERED that Carley's motion to compel production of document [ECF
13 **No. 3]** and motion for copies [ECF **No. 4]** **are DENIED** as moot.

14 Dated: November 1, 2016.

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16 Jennifer A. Dorsey
17 United States District Judge
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